



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

DA 04-2832
August 31, 2004

**COMMISSION LIFTS THE INTERNATIONAL SETTLEMENTS POLICY ON
CERTAIN BENCHMARK-COMPLIANT ROUTES, SEEKS FURTHER COMMENT ON
OTHER ROUTES**

IB Docket Nos. 02-324, 96-261

Comment Due Date: September 30, 2004

Reply Comment Due Date: October 15, 2004

By the Chief, Policy Division, International Bureau:

On March 30, 2004, the Commission released a Report and Order, FCC 04-53, that reformed the rules to remove the International Settlements Policy (ISP) from benchmark-compliant routes. The Order included a list of 96 routes that the Commission exempted from the ISP.¹ The Order also included a list of 77 routes that were believed to be benchmark-compliant but had not yet been exempted from the ISP.² The Order stipulated that all interested parties would have 30 days from the effective date of the Order to file comments or petitions on those routes, and 15 days to file responses. The Commission stated that after the comment period closed, it would: (1) remove the ISP for all routes for which no reasonable concerns were raised, and (2) complete a full review of the issues pleaded for those routes on which concerns were raised.

The Order became effective on May 28, 2004. On May 28, 2004, the International Bureau issued a public notice setting the notice and comment dates for the list of routes believed to be benchmark-compliant.³ AT&T Corp. ("AT&T"), Videsh Sanchar Nigam Limited

¹ See *International Settlements Policy Reform: International Settlement Rates*, IB Docket Nos. 02-324 and 96-21, First Report and Order, FCC 04-53, Appendix D (rel. March 30, 2004) (*Report and Order*).

² See *Report and Order* at Appendix E.

³ See *Commission Announces Pleading Cycle For Comments And Replies In Proceeding On Routes Believed To Be Benchmark-Compliant*, Public Notice, DA 04-1585 (rel. May 28, 2004).

("VSNL"), International Access Inc. d/b/a Access International ("Access") and Telefonos De Mexico, S.A. de C.V. ("Telmex") submitted comments.⁴ Access, AT&T, Philippine Long Distance Telephone Company ("PLDT"), Sprint Corporation ("Sprint") and Bayan Telecommunications, Inc. ("Bayantel") filed reply comments in the proceeding and MCI, Inc. ("MCI") submitted late-filed reply comments.⁵ In the comments and replies, at least one party raised concerns on two of the 77 routes. In addition, VSNL filed comments regarding whether the U.S.-India route should be added to the list of routes believed to be benchmark-compliant.⁶

By this Public Notice, we lift the ISP on the twenty-six additional routes that have current rates on file per section 64.1001 and for which no party raised concerns in the comments and replies.⁷ The list of additional routes for which the ISP is now lifted by this Public Notice is attached. A complete list of routes that are now exempt from the ISP is also attached to this Public Notice.

The remaining routes either have expired rates on file or have had concerns raised in the comment and reply cycle. With respect to the routes for which the rates on file have expired, we require written assurance that the current ongoing rate is benchmark-compliant as contemplated by the *Report and Order* prior to lifting the ISP.⁸ We request that U.S. carriers certify that the current rates on the remaining routes are benchmark-compliant prior to lifting the ISP.

In addition, the U.S.-India route should have been included in the original list of routes believed to be benchmark-compliant, that is, Appendix E of the *Report and Order*. This route appropriately belongs in the category of routes for which there is a benchmark-compliant, but expired, rate modification on file. Accordingly, we add the U.S.-India route to the list of routes for which we request confirmation by U.S. carriers that current rates remain benchmark-compliant. In addition, since the U.S.-India route was not included on the list of routes believed to be benchmark-compliant in our Public Notice issued May 28, 2004, we will entertain comments and replies on whether the route qualifies for exemption from the ISP. Comments on this matter are due on September 30, 2004, and reply comments are due October 15, 2004.

⁴ AT&T supported the removal of ISP from the U.S.-Philippine route and opposed the removal of the ISP from the U.S.-Papua New Guinea route. VSNL argued that the U.S.-India route was not listed on the list of 77 routes but that it is benchmark-compliant and should have the ISP removed. Telmex submitted comments in support of removing ISP from the U.S.-Mexico route. Finally, Access submitted comments opposing the removal of ISP from the U.S.-Philippines route.

⁵ Access opposed the removal of ISP from the U.S.-Philippines route while PLDT, Bayantel, Sprint and MCI supported removal of ISP on the route. In its reply, AT&T supported the removal of the ISP on the U.S.-Mexico route.

⁶ See VSNL Comments.

⁷ See 47 C.F.R. § 64.1001. There is a pending petition, filed by Sprint, requesting that the U.S.-Aruba route be exempted from the ISP. See Sprint Communications Company, L.P., Application for Authorization Pursuant to Section 214 of the Communications Act of 1934, As Amended, to Remove the International Settlement Policy on the Specific Route Between the United States and Aruba, File No. ISP-PDR-20040205-00007 (filed February 5, 2004). Because we are exempting the U.S.-Aruba route from the ISP by this public notice, we dismiss the petition as moot.

⁸ Our rules do not require carriers to file new rates as long as the ongoing rates are identical to the rate on file. See 47 C.F.R. § 64.1001. More specifically, our rules require a U.S. carrier to file new rates when that carrier agrees to rates with a foreign carrier with market power that are not identical to current rates on file. See also *Report and Order*.

Copies of this Notice, status reports, Order, and pleadings are available electronically on the Commission's web site at www.fcc.gov.

For additional information, please contact Alexandra Field, Policy Division, International Bureau, (202) 418-2064, Kimberly Cook, Policy Division, International Bureau, (202) 418-7532, or James Ball, Chief, Policy Division, International Bureau, (202) 418-1460.

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Attachment A

Additional ISP-Exempt Routes⁹

No.	Country
1	Aruba
2	Belarus
3	Bulgaria
4	China
5	Congo
6	Faroe Islands (included in Denmark)
7	French Guiana
8	French Overseas Dept. (Martinique)
9	Guadeloupe
10	Iran
11	Latvia
12	Lebanon
13	Liberia
14	Libya
15	Liechtenstein
16	Lithuania
17	Mali
18	Moldova
19	Mozambique
20	Nepal
21	Romania
22	Russia
23	Sri Lanka
24	Swaziland
25	Uganda
26	Yemen

⁹ This list of routes exempt from the ISP is in addition to the 96 routes listed in Appendix D of the *Report and Order*.

Attachment B

Complete List Of Routes Currently Exempt From the ISP			
No.	Country	No.	Country
1	Algeria	62	Kuwait
2	Antigua and Barbuda	63	Latvia
3	Argentina	64	Lebanon
4	Aruba	65	Liberia
5	Australia	66	Libya
6	Austria	67	Liechtenstein
7	Bahrain	68	Lithuania
8	Bangladesh	69	Luxembourg
9	Barbados	70	Macau
10	Belarus	71	Malaysia
11	Belgium	72	Mali
12	Belize	73	Mauritius
13	Bermuda	74	Moldova
14	Bolivia	75	Monaco (included in France)
15	Bosnia and Herzegovina	76	Mongolia
16	Botswana	77	Morocco
17	Brazil	78	Mozambique
18	Brunei	79	Nepal
19	Bulgaria	80	Netherlands
20	Canada	81	Netherlands Antilles
21	Chile	82	New Caledonia
22	China	83	New Zealand
23	Colombia	84	Nicaragua
24	Congo	85	Nigeria
25	Costa Rica	86	Norway
26	Croatia	87	Oman
27	Cyprus	88	Panama
28	Czech Republic	89	Paraguay
29	Denmark	90	Peru
30	Dominica	91	Poland
31	Dominican Republic	92	Portugal
32	Ecuador	93	Qatar
33	Egypt	94	Romania
34	El Salvador	95	Russia
35	Faroe Islands (included in Denmark)	96	Saint Kitts and Nevis
36	Fiji	97	Saint Lucia
37	Finland	98	Saint Vincent and the Grenadines
38	France	99	Saudi Arabia
39	French Guiana	100	Singapore
40	French Overseas Dept. (Martinique)	101	Slovakia
41	Gambia, The	102	Slovenia
42	Germany	103	South Africa
43	Ghana	104	Spain
44	Greece	105	Sri Lanka
45	Grenada	106	Suriname
46	Guadeloupe	107	Swaziland
47	Guatemala	108	Sweden
48	Guinea	109	Switzerland

Complete List Of Routes Currently Exempt From the ISP			
No.	Country	No.	Country
49	Guyana	110	Taiwan
50	Hong Kong	111	Thailand
51	Hungary	112	Trinidad and Tobago
52	Iceland	113	Tunisia
53	Indonesia	114	Turkey
54	Iran	115	Uganda
55	Ireland	116	United Arab Emirates
56	Israel	117	United Kingdom
57	Italy	118	Uruguay
58	Jamaica	119	Venezuela
59	Japan	120	Yemen
60	Jordan	121	Zambia
61	Korea, South	122	Zimbabwe

Attachment C

Routes Requiring Certification of Benchmark-Compliance Prior to Removal of the ISP			
No.	Country	No.	Country
1	Albania	27	Kyrgyzstan
2	Angola	28	Laos
3	Anguilla	29	Lesotho
4	Armenia	30	Macedonia FDR (included in Serbia)
5	Azerbaijan	31	Madagascar
6	Bahamas, The	32	Malawi
7	Benin	33	Malta
8	Bhutan	34	Mayotte (included in Comoros)
9	Burkina	35	Mexico
10	Burundi	36	Montserrat
11	Cameroon	37	Namibia
12	Cape Verde	38	Niger
13	Cayman Islands	39	Pakistan
14	Cote d'Ivoire	40	Papua New Guinea
15	Djibouti	41	Philippines
16	Equatorial Guinea	42	Reunion
17	Eritrea (included in Ethiopia)	43	Senegal
18	Estonia	44	Serbia
19	Ethiopia	45	Seychelles
20	French Polynesia	46	Sudan
21	Gabon	47	Tanzania
22	Georgia	48	Tonga
23	Haiti	49	Turks and Caicos Islands
24	Honduras	50	Ukraine
25	India	51	Uzbekistan
26	Kazakhstan	52	Virgin Islands, British